



**TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF WATER RESOURCES  
401 CHURCH STREET  
L & C ANNEX 6TH FLOOR  
NASHVILLE TN 37243**

April 29, 2013

Mr. Jason Keeton, Safety Director  
Airgas - Mid America Inc.  
e-copy: jason.keeton@airgas.com  
PO Box 1117  
Bowling Green, KY 42101

**Re: State Operating Permit No. SOP-79049  
Airgas USA, LLC.  
Kingsport, Sullivan County, Tennessee**

Dear Mr. Keeton:

In accordance with the provisions of the Tennessee Water Quality Control Act, Tennessee Code Annotated (T.C.A.), Sections 69-3-101 through 69-3-120, the Division of Water Resources hereby issues the enclosed State Operating Permit. The continuance and/or reissuance of this Permit is contingent upon your meeting the conditions and requirements as stated therein.

Please be advised that a petition for permit appeal may be filed, pursuant to T.C.A. Section 69-3-105, subsection (i), by the permit applicant or by any aggrieved person who participated in the public comment period or gave testimony at a formal public hearing whose appeal is based upon any of the issues that were provided to the commissioner in writing during the public comment period or in testimony at a formal public hearing on the permit application. Additionally, for those permits for which the department gives public notice of a draft permit, any permit applicant or aggrieved person may base a permit appeal on any material change to conditions in the final permit from those in the draft, unless the material change has been subject to additional opportunity for public comment. Any petition for permit appeal under this subsection (i) shall be filed with the technical secretary of the Water Resources Board within thirty (30) days after public notice of the commissioner's decision to issue or deny the permit. A copy of the filing should also be sent to TDEC's Office of General Counsel.

If you have questions, please contact the Johnson City Environmental Field Office at 1-888-891-TDEC; or, at this office, please contact Mr. Hari Akunuri at (615) 532-0650 or by E-mail at [Hari.Akunuri@tn.gov](mailto:Hari.Akunuri@tn.gov).

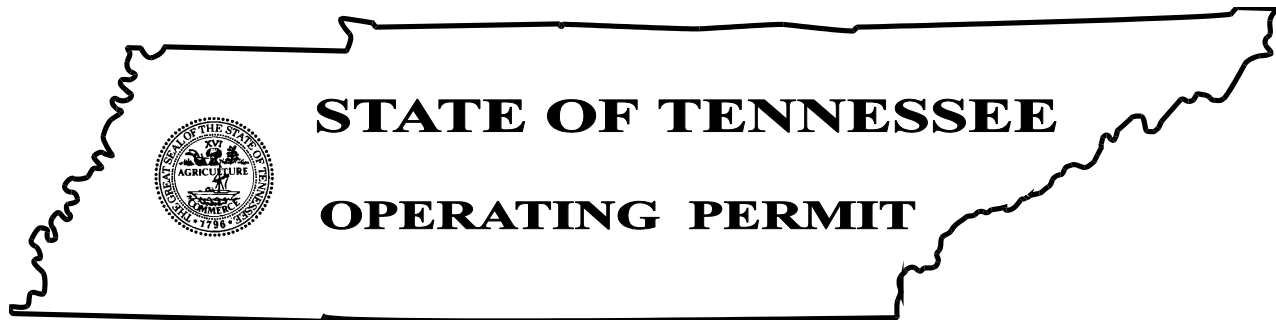
Sincerely,

A handwritten signature in blue ink, which appears to read "V Janjic", is positioned above the printed name of the signatory.

Vojin Janjic  
Manager, Permit Section

Enclosure

cc/ec: Permit Section File  
Johnson City Environmental Field Office ([Bryan.Carter@tn.gov](mailto:Bryan.Carter@tn.gov))



**No. SOP-79049**

Issued By

State of Tennessee  
Department of Environment and Conservation  
Division of Water Resources  
401 Church Street  
L & C Annex, 6th Floor  
Nashville, TN 3724

In accordance with the provisions of Tennessee Code Annotated Section 69-3-108 and regulations promulgated pursuant thereto, permission is hereby granted to:

**Airgas USA, LLC**

for the operation of:

**a holding pond containing an aqueous solution of calcium hydroxide with 10 to 12% solids. The permittee is in the process of slowly removing the waste from pond to off site customers which use the slurry to neutralize acid wastes.**

from facility located at:

**440 Industry Drive, Kingsport, Sullivan County, Tennessee**

adjacent to waters named:

**NA.**

**This permit shall become effective on: June 1, 2013**

**This permit shall expire on: April 30, 2018**

**Issuance date: May 1, 2013**

A handwritten signature in blue ink, appearing to read "S. Dudley", is written over a horizontal line.

for Sandra K. Dudley, Ph.D., P.E.  
Director

**Airgas USA, LLC** in Kingsport, Sullivan County, Tennessee is hereby authorized to operate a holding pond containing an aqueous solution of calcium hydroxide with 10 to 12% solids located at 440 Industry Drive, latitude 36.545 and longitude -82.570277. The permittee is in the process of slowly removing the waste from pond to off site customers which use the slurry to neutralize acid wastes. This authorization is in accordance with the application filed on 18-SEP-12 in the Johnson City Environmental Field Office, and received on 17-SEP-12 in the Nashville Central Office of the Tennessee Division of Water Resources. This authorization is consistent with approved plans, specifications and other data submitted to the Department in support of the above application, all of which are filed with and considered as a part of this permit, together with the following named conditions and requirements.

This permit allows the operation of a holding pond containing an aqueous solution consisting of calcium hydroxide with 10 to 12% solids. Operation consists of slowly removing the waste from pond to off site customers which use the slurry to neutralize acid wastes.. The operation should be such that there is no discharge of wastewater to any surface or subsurface stream, watercourse, or drainage ditch because of an overflow, spills, and/or because of the occurrence of any other condition, that singly or in combination with any of the aforementioned conditions, causes such discharge to any surface or subsurface stream, watercourse, or drainage ditch. In addition, said system must be operated in a manner preventing the creation of a public health hazard.

## **PART I**

### **PERMIT CONDITIONS AND REQUIREMENTS**

The system must be operated and maintained in a fashion, which will insure that the system does not cause any violations of the conditions or requirements of this permit.

A freeboard of at least 2 feet must be maintained around the holding pond.

The freeboard must be measured and recorded every seven days. At the same time, the rainfall for the previous seven days must be recorded. A copy of these measurements shall be submitted to the Johnson City Environmental Field Office within fifteen days of a request.

The discharge of wastewater in any way to surface or subsurface waters, the disposal of wastewater by any method other than to the lagoon holding pond constitutes a violation of this permit.

All records and information resulting from the monitoring activities required by this permit including all records of analyses performed and calibration and maintenance of instrumentation shall be retained for a minimum of three (3) years, or longer if requested by the Division of Water Resources. All records and information required by this permit must be kept at the facility for review by the Division of Water Resources.

Sludge or any other material removed by the wastewater treatment system must be disposed of in a manner, which prevents its entrance into or pollution of any surface or subsurface waters. Additionally, the disposal of such sludge or other material must be in compliance with the Tennessee Solid Waste Disposal Act, TCA 68-31-101 et seq. and the Tennessee Hazardous Waste Management Act, TCA 68-46-101 et seq. The permittee must keep records of the Publicly Owned Treatment Works or treatment facility that receives the wastewater discharge.

All records and monitoring required by this permit must be kept by Airgas USA, LLC for review by the Division of Water Resources. A copy of these records must be sent to the Water Resources Johnson City Environmental Field Office within fifteen days of the request.

This permit is subject, at any time, to review by the Tennessee Department of Environment and Conservation, Division of Water Resources.

Making slurry and transporting product to customers is not a wastewater activity regulated by this permit. Discharges of stormwater associated with industrial activity shall be covered, if required, via an NPDES permit (general or individual).

The permittee must keep a log of the following whenever removal of wastewater is required to prevent overflow from the pond:

- i. date of pump and haul
- ii. facility name where wastewater is disposed/hailed
- iii. facility address where wastewater is disposed/hailed
- iv. amount of wastewater hauled
- v. amount of sludge generated
- vi. how sludge is disposed
- vii. any operational problems encountered during pump and haul must be noted in the log.

Notwithstanding this permit, permittee shall remain liable for any damages sustained by the State of Tennessee, including but not limited to fish kills and losses of aquatic life and/or wildlife, as a result of the discharge or spill of wastewater to any surface or subsurface waters. Additionally, it shall be the responsibility of the permittee to conduct its wastewater treatment and/or disposal activities in a manner such that public or private health hazards or nuisances will not be created.

When pump and haul system is used the following conditions shall be followed:

- I. The permittee must provide for wastewater to be pumped from the collection and retention system on a regular schedule sufficient to ensure that a reasonable margin of safety is provided against the possibility of an overflow.
- ii. Records of when pumping takes place must be kept at the facility for review by the Division of Water Resources. Monthly operation reports will be submitted to the Johnson City Environmental Field Office by the 15th day of the month following data collection.
- iii. A representative of the facility shall be present at all times when waste is being transferred to the haul truck to insure that waste spills do not occur. The residuals should be treated or remediated in a manner approved by the Johnson City EFO.
- iv. The permittee or his waste hauling contractor must clean up any spillage of wastewater that results from the operation of this pump and haul system.
- vi. It is the responsibility of the permittee to ensure that his pump and haul contractor performs his/her work relative to this system in accordance with this permit and good operating procedures.

Noncompliance with the no discharge provision of this permit due to excessive rainfall, equipment failure, etc., must be reported within 24 hours to the nearest Water Resources Environmental Field Office by telephone. A written submission must be provided within five days to the local Division of Water Resources office address:

**Johnson City Environmental Field Office  
Division of Water Resources  
2305 Silverdale Road  
Johnson City, TN 37601**

### **ADDITION OF WASTE LOADS**

The permittee shall not add waste loads from other sources without approval by the division.

### **PLACEMENT OF SIGNS**

Within sixty (60) days of the effective date of this permit, the permittee shall place and maintain a sign at the holding lagoon pond. The sign should be clearly visible to the public. The minimum sign size should be two feet by two feet (2' x 2') with one-inch letters. The sign should be made of durable material and has a white background with black letters.

The sign is to provide notice that the holding pond is regulated by the Tennessee Department of Environment and Conservation, Division of Water Resources. The following is given as an example of the minimal amount of information that must be included on the sign:

**Holding pond  
Airgas USA, LLC  
(PERMITTEE'S PHONE NUMBER)  
SOP PERMIT NO. SOP-79049  
TENNESSEE DIVISION OF WATER RESOURCES  
1-888-891-8332 DWR Johnson City Environmental Field Office**

**PART II**

**Airgas USA, LLC**  
**STATE OPERATION PERMIT NO. SOP-79049**  
**Kingsport, Sullivan County, Tennessee**

**Permit Writer: Hari Akunuri**

**FACILITY CONTACT INFORMATION:**

Mr. Jason Keeton  
Safety Director  
Phone: (865) 304-9946  
jason.keeton@airgas.com  
440 Industry Drive

**Facility location:** 440 Industry Drive

**Name of the nearest stream:** NA

**Treatment system:** Holding pond contains aqueous solution consisting of calcium hydroxide with 10 to 12% solids. The system is in the process of slowly removing the waste from pond to off site customers which use the slurry to neutralize acid wastes.

**Permit period:** This permit will be issued for a five-year period effective from the issuance date on the title page.